

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	
ANDREW APPLE; PASCAL ARMSTRONG;	:
ELGIN BECKFORD; EMERIE BECKFORD;	:
SEWAYNE DALEY; MAURICE GRIFFIN;	:
JEANETTE HENRIQUES; ALFONZA LEWIS;	: CV 11-5550 (JG)(JMA)
LLOYD BERNARD MATTHEWS; CAROL	:
NEILS; KATHLEEN NOREIGA; ALONZO	:
PHILLIPS; KIMRON PRIME; WAYNE ST.	: <u>NOTICE OF MOTION</u>
LOUIS; JONATHAN SILVA; ANDRE SMALL;	:
CLARENCE STEWART; JAY WHITLEY;	: ORAL ARGUMENT REQUESTED
JEFFREY WILLIAMS; and DEVIN WRIGHT,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
ATLANTIC YARDS DEVELOPMENT	:
COMPANY, LLC; BROOKLYN ARENA LLC;	:
BROOKLYN UNITED FOR INNOVATIVE	:
LOCAL DEVELOPMENT; JAMES CALDWELL;	:
FOREST CITY RATNER COMPANIES, LLC;	:
FOREST CITY ENTERPRISES, INC.; GAUSIA	:
JONES; JANE MARSHALL; ORBIN'S BIG	:
GREEN MACHINE; and BRUCE RATNER,	:
	:
Defendants.	:
-----X	

PLEASE TAKE NOTICE that, upon the Declaration of Harold P. Weinberger in Support of Defendants' Motion for Partial Summary Judgment dated April 21, 2014, and the exhibits annexed thereto, the accompanying Memorandum of Law and Defendants' Statement Pursuant to Local Rule 56.1, defendants Atlantic Yards Development Company, LLC, Brooklyn Arena LLC, Forest City Ratner Companies, LLC, Forest City Enterprises, Inc., (collectively, "Forest City"), Jane Marshall, Bruce Ratner, Brooklyn United for Innovative Local Development ("BUILD"), and James Caldwell (together, "defendants") will move this Court, before the

Honorable John Gleeson, at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, on May 30, 2014 at 11:00 a.m., for entry of an Order granting summary judgment pursuant to Rule 56(a) of the Federal Rules of Civil Procedure on the following claims in the Amended Complaint: (1) The First and Second Causes of Action or, alternately; (2) the First and Second Causes of Action with respect to classroom portions of the PATP; (3) the Third, Fourth, Fifth, and Sixth Causes of Action against Forest City, as asserted by plaintiffs Henriques, Matthews, Noreiga, Phillips, Small, Stewart, Whitley, Wright, Elgin Beckford, Emerie Beckford and Neils; (4) the Third and Sixth Causes of Action against Marshall as asserted by those same plaintiffs; and (5) the Third Cause of Action against Ratner; and awarding such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 21, 2014

KRAMER LEVIN NAFTALIS & FRANKEL LLP

By: /s/ Harold P. Weinberger
Harold P. Weinberger
Robert N. Holtzman
Selina M. Ellis

1177 Avenue of the Americas
New York, New York 10036
(212) 715-9100
hweinberger@kramerlevin.com
rholtzman@kramerlevin.com
sellis@kramerlevin.com

*Attorneys for defendants Atlantic Yards
Development Company, LLC, Brooklyn Arena
LLC, Forest City Ratner Companies, LLC,
Forest City Enterprises, Inc., Jane Marshall,
Bruce Ratner, Brooklyn United for Innovative
Local Development, and James Caldwell*

To: EMERY CELLI BRINKERHOFF & ABADY LLP
Matthew D. Brinkerhoff
Jennifer M. Keighley
75 Rockefeller Plaza, 20th Floor
New York, NY 10019
(212) 763-5000

SOUTH BROOKLYN LEGAL SERVICES
Sarah E. Dranoff
Nicole Salk
Gary Steven Stone
Latanya Renee White
105 Court Street, 3rd Floor
Brooklyn, NY 11201
(718) 237-5500

Attorneys for plaintiffs

SHER TREMONTE LLP
Michael Tremonte
Justin Gunnell
80 Broad Street
Suite 1301
New York, NY 10004
(212) 202-2600

*Attorneys for defendants Gausia Jones
and Orbin's Big Green Machine*